



Lorelei Salas
Commissioner

Mitchell B. Nisonoff
Assistant General
Counsel

42 Broadway
9th Floor
New York, NY 10004

+1 212 436 0077 tel
+1 646 500 5818 fax

nyc.gov/dca

March 3, 2020

By regular mail and by certified mail:

Benjamin Lamb

Re: **Suspension of Process Server Individual License (1071492-DCA)**

Dear Licensee:

On February 7, 2020, the New York City Department of Consumer Affairs ("DCA") served on you the Commissioner's Order (the "Order") (copy annexed), which ordered you to produce the bound logbooks for the period October 2018 through September 2019, and other documents initially requested by DCA on January 8, 2020. The Order directed you to produce the logbooks and other documents no later than 15 days after the date of the Order and stated, among other things, that, if you did not comply, DCA "shall suspend your license pending compliance pursuant to New York City Administrative Code ("NYC Code") Section § 20-104(c)(3)."

To date, you have not produced the logbooks or any other requested document.

Accordingly, pursuant to NYC Code Section § 20-104(c)(3), DCA now **suspends** your license pending your complete compliance with the Order.

This is a final determination. If you wish to seek review of this determination, you must initiate a proceeding under Article 78 of the New York City Practice Law and Rules within four months of the date of this letter.

Effective immediately, you do not have the authority to engage in process server activity in New York City, and engaging in unlicensed process server activity may subject you to penalties.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. B. Nisonoff".

Mitchell B. Nisonoff
Assistant General Counsel



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February 7, 2020

By regular mail and by certified mail:

Benjamin Lamb

Re: Benjamin Lamb, License No. 1071492-DCA – Commissioner's Order

Dear Mr. Lamb:

On January 8, 2020, DCA sent you a letter demanding that you produce your bound logbook(s) for the period October 2018 through September 2019, as well as other specified documents you are required to produce under New York City Administrative Code ("NYC Code") § 20-406.3(c) and Title 6 of the Rules of the City of New York §§ 1-16(a) and 2-233a(d) (copy annexed).

To date, you have not produced the logbooks or any other requested document.

Accordingly, you hereby are **ORDERED** to comply with the Demand Letter by producing the requested logbooks and documents no later than 15 days after the date of this Order; and, if you do not so comply, DCA shall **suspend** your license pending compliance pursuant to Code § 20-104(c)(3).

Sincerely,

Lorelei Salas
Commissioner

By:

A handwritten signature in blue ink, appearing to read "M. B. Nisonoff", written over a white rectangular background.

Mitchell B. Nisonoff
Assistant General Counsel



Lorelei Salas
Commissioner

Mitchell B. Nisonoff
Assistant General
Counsel

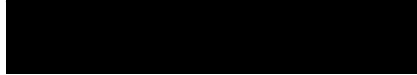
42 Broadway
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nyc.gov/dca

January 8, 2020

Benjamin Lamb



Re: Benjamin Lamb, License No. 1071492-DCA

Dear Mr. Lamb:

Pursuant to Title 20 of the New York City Administrative Code ("Code") § 20-406.3(c) and Title 6 of the Rules of the City of New York ("Rules") § 1-16(a) and § 2-233a(d), the NYC Department of Consumer Affairs ("DCA" or the "Department") demands that you produce your bound logbook(s) for the period October 2018 through September 2019,

as well as the following records *in electronic format*:

1. For the period October 2018 through September 2019, copies of all electronic records that you are required to maintain pursuant to section 2-233a of the Rules, excluding backup copies of such records. **These records must be produced even if they are maintained by a third party.**
2. All affidavits of service filed by you or on your behalf with a court related to a service that occurred during the time period October 2018 through September 2019.
3. All contracts entered into by you with an independent third party ("Contractor") pursuant to section 2-233b(a)(3) of the Rules for the storage and retrieval of GPS-related electronic records. If a process serving agency entered into such a contract on your behalf, please produce the contract entered into by that agency.
4. For the period October 2018 through September 2019, monthly invoices from the Contractor for the maintenance of your GPS-related data records.
5. For the period October 2018 through September 2019, proof that you, or a process serving agency on your behalf, made monthly payments to the Contractor (receipts, credit card bills, etc.).



6. For the period October 2018 through September 2019, all electronic records of the GPS location, time and date of attempted or effected service of process made pursuant to section 2-233b(a)(2) of the Rules. You must obtain these electronic records from the Contractor in Microsoft Excel format and produce them to the Department with a certification from the Contractor that the data is true and accurate.
7. For the period October 2018 through the date that you respond to this letter, documents sufficient to identify all traverse hearings scheduled, whether or not held, concerning process that you served or attempted to serve (includes traverse hearings held or scheduled by courts outside of New York City), and the result of the hearing.
8. All records, including the logbook(s) that contains your records of service for the case, GPS data or other electronic records, affidavits of service, work orders, notes, communications, notices of scheduled traverse hearings, whether or not held, and court decisions relating to any traverse hearings held relating to the following case/proceeding:

Mamadou Alpha Ly v. Abdoulaye Bah, LT-006805-19/BX
(Bronx County Civil Court, Housing Part).

Instructions for Organizing and Sending Records

- Paper copies of records should be scanned into electronic files.
- All electronic files should be copied onto one or more write-once CDs or DVDs (*i.e.*, no re-writable discs).
- The discs should contain separate folders for each request number and the records responsive to each request should be placed into the appropriate folder (*i.e.*, your affidavits of service should be copied into a folder named "Request 2").
- The attached "List of Records Produced" should be filled out, printed and signed. It should then be scanned and included in the first disc, in a folder named "List of Records Produced."
- The outside of each disc should be dated and labeled with the Licensee's name, license number, and a simple name for the disc (e.g., "DVD #1").



- The logbook(s) and discs must be mailed to and **received by DCA no later than 4 weeks from the date of this letter** at the address below:

NYC Department of Consumer Affairs
42 Broadway
9th Floor – Office of the General Counsel
New York, NY 10004
Attn: Mitchell B. Nisonoff

Sincerely,

A handwritten signature in blue ink, appearing to read "M. B. Nisonoff".

Mitchell B. Nisonoff
Assistant General Counsel

[illegible]

I, Charnetta Pettie, of the General Counsel Division of the New York City Department of Consumer Affairs (DCA), certify that on 3/3/2020 I mailed the attached:

Signature

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL®



U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$	
Total Postage and Fees	\$	
Signature: Benjamin Lamb		

See reverse for instructions